

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARK FADLEVICH

Case No.: 1:19-cv-04227-AMD-CLP

Plaintiff,

-against-

JD 34TH STREET REALTY LLC,
GUTMAN, MINTZ, BAKER & SONNENFELDT, LLP,
and ERIC KEILBACH,
Defendants.

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Plaintiff, Mark Fadlevich, (“Plaintiff”) and Defendants, Gutman, Mintz, Baker & Sonnenfeldt, LLP and Eric Keilbach, (“Gutman Defendants”), **HEREBY STIPULATE AND AGREE AS FOLLOWS:**

WHEREAS the United District Court for the Eastern District of New York, by Order dated July 7, 2023, required Plaintiff and Gutman Defendants to complete financial discovery as to the Gutman Defendants by September 5, 2023;

WHEREAS Plaintiff served and/or renewed discovery demands on the Gutman Defendants as to the issue of financial discovery;

WHEREAS the Gutman Defendants objected to Plaintiff’s discovery demands concerning financial discovery;

WHEREAS counsel for Plaintiff and the Gutman Defendant met and conferred at various and numerous times in an attempt to arrive at a resolution of the Gutman Defendants’ objections to Plaintiff’s respective financial discovery demands;

WHEREAS the parties have come to an agreement and did so before September 5, 2023, with regard to the financial discovery to produced to Plaintiff, *to wit:*

1. Defendant Gutman will provide Plaintiff with the following financial information, in the form and in accordance with Exhibit “A” attached hereto:

- a. Summary of Operations for the year ended December 31, 2022;
- b. Balance Sheet December 31, 2022;
- c. Profit & Loss – January through December 2022;
- d. Balance Sheet as of December 31, 2022.

2. The “Summary of Operations for the year ended December 31, 2022” and “Balance Sheet December 31, 2022” will be certified by Defendant Gutman’s accountant as being the same documents that Defendant Gutman provided to its financial institution.

3. The “Profit & Loss – January through December 2022” and “Balance Sheet as of December 31, 2022” documents will be certified by Defendant Gutman’s accountant as being created by him in Quickbooks and is based upon his review of Defendant Gutman’s records.

4. Should this action still be active in 2023 and 2024, Defendant will produce Plaintiff the same type of financial discovery for 2023 and 2024, respectively.

5. The information identified in ¶1 herein will be the only discovery produced in accordance with the aforementioned Court Order.

6. No deposition will be taken of any officer, employee or agent of Defendant Gutman, including but not limited to Defendant Gutman’s accountant, with regard to the aforementioned financial discovery produced.

7. The information identified in ¶1 is deemed CONFIDENTIAL, with no further action needed to be taken by the Gutman Defendants to confirm confidentiality.

8. The information identified in ¶1 herein is governed by the Protective Order entered into by the parties, [Dkt # 65], and So Ordered on October 28, 2021 except, notwithstanding ¶9 of the Protective Order, Plaintiff waives his right to challenge the Gutman Defendant’s Confidentiality designation.

9. Notwithstanding ¶5 of the Protective Order, the information identified in ¶1 herein and produced in accordance with the aforementioned Court Order will be for “attorney-eyes” only.

10. The parties agree that such information produced pursuant to this Stipulation can only be filed under seal, unless the Court rules otherwise.

AGREED:

Defendants Gutman, Mintz, Baker & Sonnenfeldt, LLP and Eric Keilbach

By: Kenneth A. Novikoff _____ Date: 9/19/23
Ken Novikoff
Rivkin Radler LLP

AGREED:

Plaintiff Mark Fadlevich

By: Ahmad Keshavarz _____ Date: 9/19/23
Ahmad Keshavarz
The Law Office of Ahmad Keshavarz

SO ORDERED this day of _____, 2023.

Magistrate Judge Marcia H. Henry

EXHIBIT “1”

GUTMAN, MINTZ, BAKER & SONNENFELDT LLP
SUMMARY OF OPERATIONS
FOR THE YEAR ENDED DECEMBER 31, 2022

OPERATING INCOME

Fee Income

Dividend income

Total income

Cost of Sales - Schedule A

GROSS PROFIT

General and Administrative Expenses -
Schedule B

NET INCOME BEFORE INTEREST,
TAXES AND AMORTIZATION

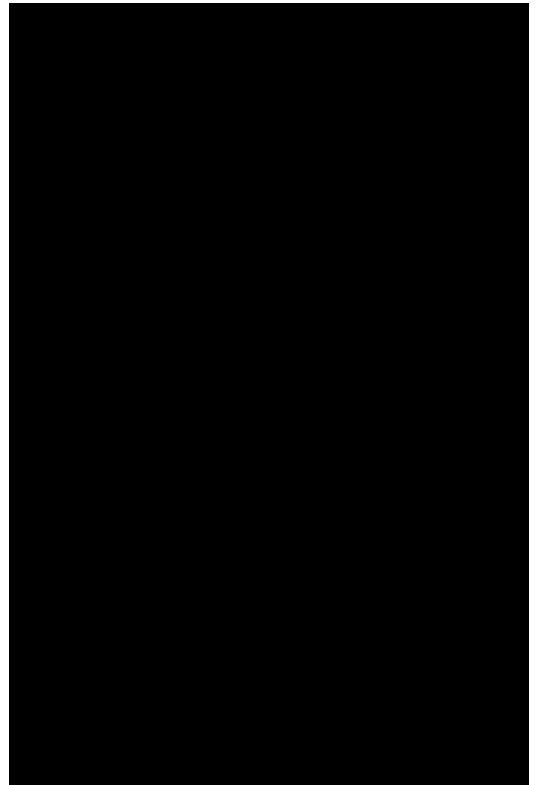
Interest

Amortization of goodwill

NYS Pass through entity tax

NY and NJ State Filing Fees

NET INCOME



GUTMAN, MINTZ, BAKER & SONNENFELDT LLP
BALANCE SHEET
DECEMBER 31, 2022

ASSETS

CURRENT ASSETS

Cash

Accounts receivable

TOTAL CURRENT ASSETS

INTANGIBLE ASSETS

Goodwill

Less: accumulated amortization

Net intangible assets

TOTAL ASSETS

LIABILITIES & PARTNERS' CAPITAL

CURRENT LIABILITIES

Accounts payable

Notes payable [REDACTED]

Due to pension and 401k Plan

Current portion term loan [REDACTED]

Current portion due to estate of [REDACTED]

Current portion due to [REDACTED]

TOTAL CURRENT LIABILITIES

OTHER LIABILITIES (Note C)

Due to the estate of [REDACTED]

[REDACTED]

Term loans - [REDACTED]

TOTAL OTHER LIABILITIES

TOTAL LIABILITIES

PARTNERS' CAPITAL

TOTAL PARTNERS' CAPITAL

TOTAL LIABILITIES & PARTNERS' CAPITAL

Gutman, Mintz, Baker & Sonnenfeldt LLP
Profit & Loss
January through December 2022

	Jan - Dec 22
Ordinary Income/Expense	
Income	
Cost of Goods Sold	
Gross Profit	
Expense	
Net Ordinary Income	
Net Income	

Gutman, Mintz, Baker & Sonnenfeldt LLP

Balance Sheet

As of December 31, 2022

ASSETS

Current Assets

Checking/Savings

Other Current Assets

Total Current Assets

Other Assets

TOTAL ASSETS

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Other Current Liabilities

Total Current Liabilities

Long Term Liabilities

Total Liabilities

Equity

32000 · Retained Earnings

3400 · Capital

Net Income

Total Equity

TOTAL LIABILITIES & EQUITY

